

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(OAKLAND DIVISION)

FINJAN LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

Case No. 4:14-cv-04908-PJH

**[PROPOSED] ORDER RE DISMISSAL OF  
THREE PATENTS-IN-SUIT**

Hon. Phyllis J. Hamilton  
Ctmm: 3, 3<sup>rd</sup> Floor

**[PROPOSED] ORDER**

The Court, having read and considered the parties' Stipulation, and finding good cause in support thereof, hereby orders the following:

Finjan's claims for infringement of U.S. Patent No. 6,804,780 (Counts I and II of Dkt. No. 112) are dismissed with prejudice in the event the *ESET* judgment of invalidity of the '780 patent (*Finjan, Inc. v. ESET, LLC*, No. 3:17-cv-0183-CAB-BGS, Dkt. No. 875 (S.D. Cal. Mar. 29, 2021)) becomes final without any further appeal and are dismissed without prejudice to Finjan's reassertion of infringement claims against PAN if and only if the *ESET* judgment of invalidity of the '780 patent is reversed or vacated on appeal;

Finjan's claims for infringement of U.S. Patent No. 7,613,926 (Counts V and VI of Dkt. No. 112) are dismissed with prejudice in the event the *ESET* judgment of invalidity of the '780 patent becomes final without any further appeal and are dismissed without prejudice to Finjan's reassertion of infringement claims against PAN if and only if the *ESET* judgment of invalidity of the '780 patent is reversed or vacated on appeal;

Finjan's claims for infringement of U.S. Patent No. 8,677,494 (Counts XIII and XIV of Dkt. No. 112) are dismissed with prejudice in the event the *ESET* judgment of invalidity of the '780 patent becomes final without any further appeal and are dismissed without prejudice to Finjan's reassertion of infringement claims against PAN if and only if the *ESET* judgment of invalidity of the '780 patent is reversed or vacated on appeal;

PAN's counterclaims and defenses with regard to U.S. Patent No. 6,804,780 (Counts I and II of Dkt. No. 116) are dismissed without prejudice;

PAN's counterclaims and defenses with regard to U.S. Patent No. 7,613,926 (Counts V and VI of Dkt. No. 116) are dismissed without prejudice; and

PAN's counterclaims and defenses with regard to U.S. Patent No. 8,677,494 (Counts XIII and XIV of Dkt. No. 116) are dismissed without prejudice.

If Finjan reasserts its infringement claims on these three patents against PAN after the invalidity judgment against the '780 Patent is reversed or vacated, the time limitation on damages under 35 U.S.C. § 286 will be tolled and the date for filing of the reasserted infringement claims for

1 the purposes of 35 U.S.C. § 286 shall be the date of filing of the original complaint in this present  
2 action.

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4 **IT IS SO ORDERED.**

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6 Dated: \_\_\_\_\_

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9 Hon. Phyllis J. Hamilton  
10 United States District Court Judge  
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